

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CIV-F-05-0458 AWI</b>
	)	
<b>Appellant,</b>	)	<b>ORDER RE: BRIEFING</b>
	)	<b>SCHEDULE</b>
<b>v.</b>	)	
	)	
<b>LEVIA ESPINOSA</b>	)	
	)	
<b>Appellee.</b>	)	

---

This matter is before the court on Appellant's motion for an extended briefing schedule. Doc. 5. Appellant holds a lien on property ("Property") owned by the Appellee. Appellant sought to enforce the lien through a foreclosure sale of the Property. Appellee then filed a Chapter 13 bankruptcy on September 8, 2004, automatically staying the foreclosure sale. In bankruptcy court, Appellant made a motion to modify the automatic stay. The motion was denied on March 30, 2005. Appellant appealed the denial to the district court on April 8, 2005. Doc. 1. The record was not completed until February 6, 2006. Doc. 3. The clerk's office issued a briefing schedule on May 24, 2006, requiring that Appellant's opening brief be filed within 15 days. Doc. 4. Appellant requested modification of the schedule on May 25, 2006. Doc. 5.

Appellant points out that Appellee's confirmed Chapter 13 plan requires Appellee to refinance or sell the Property by September 8, 2006, paying off Appellant's lien. Repayment in full would moot this appeal. If Appellee does not comply with the Chapter 13 plan, the

1 bankruptcy will be dismissed, lifting the automatic stay on the foreclosure sale and mootng the  
2 appeal. In order to conserve resources, the briefing schedule is modified as follows:

3 Appellant must file either an opening brief or notice that the appeal is moot by 4 PM,  
4 October 16, 2006.

5 If Appellant files a brief, Appellee must file an opening brief by 4 PM, November 1,  
6 2006.

7 Appellant must then file a reply brief by 4 PM, November 13, 2006.

8  
9 IT IS SO ORDERED.

10 **Dated: August 24, 2006**  
11 0m8i78

**/s/ Anthony W. Ishii**  
**UNITED STATES DISTRICT JUDGE**